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8 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against,

CASE NO DL2008-164

12 **MONICA SHARON ADAMS**
13 **a.k.a. MONICA SHARON ADAMS**
14 **4832 W. Russell Court**
Visalia, CA 93277

STATEMENT OF ISSUES

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Heather Martin ("Complainant") brings this Statement of Issues solely in her official
19 capacity as the Executive Officer of the California Board of Occupational Therapy, Department
20 of Consumer Affairs.

21 2. On or about January 15, 2009, the California Board of Occupational Therapy,
22 Department of Consumer Affairs received an Initial Application for Licensure/Certification for an
23 occupational therapy license from Monica Sharon Adams a.k.a. Monica Sharon Kurtz
24 ("Respondent"). On or about January 12, 2009, Monica Sharon Adams certified under penalty of
25 perjury to the truthfulness of all statements, answers, and representations in the application. The
26 Board denied the application on March 23, 2009.

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STATUTORY AND REGULATORY PROVISIONS

3. Business and Professions Code ("Code") section 2570.26 subdivision (a), states that "[t]he board may, after a hearing, deny, suspend, revoke, or place on probation a license, certificate, inactive license, inactive certificate, or limited permit."

4. Code section 2570.27 subdivision (b), states that "[t]he board may issue an initial license on probation, with specific terms and conditions, to any applicant who has violated any provision of this chapter or the regulations adopted pursuant to it, but who has met all other requirements for licensure "

5. Code section 2570.28 states, in pertinent part:

The board may deny or discipline a licensee for any of the following:

....

(c) Violating or attempting to violate directly or indirectly, or assisting in or abetting the violation of , or conspiring to violate, any provision or term of this chapter or any regulation adopted pursuant to this chapter . . . :

6. Code section 2570.3, subdivision (a) states:

No person shall practice occupational therapy or hold himself or herself out as an occupational therapist or as being able to practice occupational therapy, or to render occupational therapy services in this state unless he or she is licensed as an occupational therapist under the provisions of this chapter. No person shall hold himself or herself out as an occupational therapy assistant or work as an occupational therapy assistant under the supervision of an occupational therapist unless he or she is certified as an occupational therapy assistant under the provisions of this chapter.

7. Code section 2570.6 states, in pertinent part:

An applicant applying for a license as an occupational therapist or certification as an occupational therapy assistant shall file with the board a written application provided by the board, showing to the satisfaction of the board that he or she meets all of the following requirements.

....

(c) That the applicant has successfully completed a period of supervised fieldwork experience approved by the board and arranged by a recognized educational institution where he or she met the academic requirements of subdivision (b) or arranged by a nationally recognized professional association . . .

8. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

1 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
2 substantially benefit himself or herself or another, or substantially injure another.

3 (3) Done any act that if done by a licentiate of the business or profession
4 in question, would be grounds for suspension or revocation of license.

5 The board may deny a license pursuant to this subdivision only if the
6 crime or act is substantially related to the qualifications, functions, or duties of the
7 business or profession for which application is made.

8 9. California Code of Regulations, title 16, section ("Regulation") 4170 states, in
9 pertinent part:

10

11 (d) Occupational therapy practitioners shall perform occupational
12 therapy services only when they are qualified by education, training, and experience
13 to do so.

14 (1) Occupational therapy practitioners shall hold the appropriate
15 credentials for the services they provide . . .

16 COST RECOVERY

17 10. Code section 125.3 provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 CAUSE FOR DENIAL

22 (Practice of Occupational Therapy While Unlicensed)

23 11. Respondent's application for an occupational therapist license is subject to denial
24 pursuant to Code sections 2570.28, subdivision (c), and 480, subdivision (a)(3)(A), in that in on
25 and after January 1, 2003, until on or about January 12, 2009, while employed by Kaweah Delta
26 Hospital, Visalia, California and Hallmark Rehabilitation, Foothill Ranch, California, Respondent
27 practiced occupational therapy, or held herself out as an occupational therapist or as being able to
28 practice occupational therapy or rendered occupational therapy services when she was not
licensed as an occupational therapist in this state, in violation of Code section 2570.3, subdivision
(a), and Regulation 4170, subdivision (d)(1), as follows:

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1 a. From on or about January 1, 2003, through January 11, 2009, while employed by
2 Kaweah Delta Hospital, Respondent provided occupational therapy to patients when she was not
3 licensed in this state as an occupational therapist.

4 b. From on or about May 5, 2008, to May 14, 2008, while employed by Hallmark
5 Rehabilitation, Respondent provided occupational therapy to patients when she was not licensed
6 in this state as an occupational therapist.

7 **PRAYER**

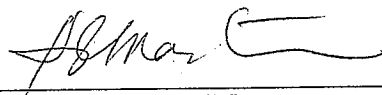
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the California Board of Occupational Therapy issue a decision:

10 1. Denying the application of Monica Sharon Adams a.k.a. Monica Sharon Kurtz for an
11 occupational therapy license;

12 2. Ordering Monica Sharon Adams, a.k.a. Monica Sharon Kurtz to pay the Board of
13 Occupational Therapy the reasonable costs of the investigation and enforcement of this case,
14 pursuant to Code section 125.3; and,

15 3. Taking such other and further action as deemed necessary and proper.

16 DATED: June 23, 2009


HEATHER MARTIN
Executive Officer
California Board of Occupational Therapy
Department of Consumer Affairs
State of California
Complainant